

**Notice of Allowability**

Application No.

10/776,723

Examiner

Laura C Cole

Applicant(s)

TRUNECEK, SCOTT D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 15 February 2005.
2. ☒ The allowed claim(s) is/are 1-3, 7-10, 12 and 14-18.
3. ☒ The drawings filed on 11 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

None of the prior art made of record includes an ice scraping apparatus having a combination of a body portion having a chamber, a blade portion connected to the body portion and having an interior space in communication with the chamber, the blade portion having a peripheral edge, a heatable material positioned in the chamber, a conductive element sandwiched between the body and blade portions, the conductive element being in communication with the heatable material, and the conductive element extends beyond at least one peripheral blade edge to form a scraping blade. USPN 5,369,257 includes a blade edge of a heatable material including microwavable gel, however does not include a body portion having a chamber or a blade portion having an interior space in communication with the chamber, with the heatable material positioned in the chamber and a conductive element.

None of the prior art made of record includes an ice scraping apparatus having a combination of a body portion having a chamber, a blade portion connected to the body portion and having an interior space in communication with the chamber, the blade portion having a peripheral edge, a heatable material positioned in the chamber, the heatable material including a moist substance that contains some water, and an outer wall and inner wall spaced apart from the outer wall so as to define an intermediate space there between, the space being a vacuum.

Virkler, USPN 5,837,296, Hammond, USPN 2,511,161, Hopkins, USPN 4,719,660, Kim, USPN 5,357,646, and Shultz, USPN 2,171,606 do not include a

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conductive element sandwiched between body and blade portions, wherein a conductive element is in communication with heatable material, and wherein the conductive element extends beyond at least one peripheral blade edge to form a scraping blade. Virkler, Hammond, Hopkins, Kim, and Shultz also do not include a body portion including an outer wall and inner wall spaced apart to define an intermediate space being a vacuum.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sun (John) Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*LCC*

LCC

08 March 2005

*John Kim*  
**JOHN KIM**  
**SUPERVISORY EXAMINER**  
**GROUP 1700**